

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN,

Petitioner,

v.

KEVIN CHAPPELL, as Acting Warden of
San Quentin State Prison,

Respondent.

Case No. 1:99-cv-5279-LJO-SAB

ORDER DENYING MOTION FOR
HEARING

(ECF No. 348)

Petitioner is represented in this action by Brian Abbington and Robert D. Bacon. An evidentiary hearing was held on May 14, 2013 to address the claims remaining on the petition and post-hearing briefing has been filed by the parties. This matter is currently under submission. On August 6, 2014, Petitioner filed a motion for a hearing alleging a conflict of interest with his appointed counsel due to the “excessive delays” that the State of California has created in all capital cases.

Petitioner’s complaint does not raise a lack of communication with his attorneys or mishandling of the merits of his substantive claims. As petitioner was advised in the order issued May 16, 2012 by District Judge Lawrence J. O’Neill, the claims raised are “not a bona fide conflict of interest. Rather, it is an attempt to present substantive claims to the Court which Bolin’s attorneys have not raised.” (ECF No. 264 at 3.) Further, “even if this Court believed the

1 California State Court system [was] flawed, it is without authority to provide a remedy. Finally,
2 the claim Bolin wishes to pursue is not cognizable on federal habeas corpus.” (Id.)

3 As Petitioner has previously been advised, Local Rule 191 of the Local Rules of the
4 Eastern District provides that the Court will generally not consider pro se documents about the
5 presentation of the case where the party is represented by counsel. L.R. 191(d). Petitioner’s
6 motion does not allege an actual conflict with counsel and for that reason it is denied.

7 Based on the foregoing, IT IS HEREBY ORDERED that Petitioner’s motion for a
8 hearing is DENIED. Petitioner’s counsel are directed to provide him with a copy of this order.

9
10 IT IS SO ORDERED.

11 Dated: August 12, 2014


UNITED STATES MAGISTRATE JUDGE